

VZCZCXRO4006
OO RUEHAG RUEHBC RUEHDE RUEHKUK RUEHMOS
DE RUEHLB #1717/01 1520701
ZNY CCCCC ZZH
O 010701Z JUN 06
FM AMEMBASSY BEIRUT
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3767
INFO RUEHEE/ARAB LEAGUE COLLECTIVE PRIORITY
RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 001717

SIPDIS

SIPDIS

NSC FOR ABRAMS/DORAN/WERNER/SINGH

E.O. 12958: DECL: 05/31/2016
TAGS: [CASC](#) [KDEM](#) [LE](#) [PGOV](#) [PREL](#) [PTER](#) [SY](#) [IS](#)
SUBJECT: MGLE01: JUSTICE MINISTER COMPLAINS THAT SINIORA
IS NEEDLESSLY PICKING A FIGHT

Classified By: Ambassador Jeffrey Feltman. Reason: Section 1.4 (b).

SUMMARY

11. (C) Justice Minister Charles Rizk voiced disappointment with Prime Minister Siniora's apparent decision to reject Rizk's proposed list of candidates for Lebanon's Higher Judicial Council. Rizk maintained that Siniora is bent on achieving a council majority that would allow him to control the Justice Ministry through appointments and the ability to remove any judge from office. In Rizk's opinion, the resulting March 14-control of the Higher Judicial Council would inevitably produce a backlash from Lebanon's Shia political forces, particularly from Speaker of Parliament and Amal leader Nabih Berri. In retaliation, Rizk believes Berri would do all he could to derail the establishment of the proposed special tribunal with international character on the Hariri assassination. Rizk hopes that Saad Hariri will be more reasonable than Siniora on the appointments and step in to defuse the situation. Regarding the special tribunal, Minister Rizk said two senior judges, Ralph Riachy and Choukri Sader, have returned to New York for further discussions with UN Undersecretary for Judicial Affairs Nicholas Michel to develop a timeline for setting up the tribunal. Additionally, Rizk characterized yesterday's vote in Parliament condemning Syria's issuance of warrants for Walid Jumblatt and Marwan Hamadeh as a clever gift from the Speaker to Saad Hariri. Berri, he remarked, is "a man who never gives anything away for free." Finally, the Ambassador re-emphasized that our government continues to demand the expeditious return of abducted U.S. citizen Kelsey Klotz. End summary.

PERCEPTION OF ANOTHER SUNNI POWER PLAY

12. (C) Minister Charles Rizk received the Ambassador and poloff on May 31 at the Justice Ministry. Rizk, who had been drifting toward the March 14 movement despite his longterm friendship with President Emile Lahoud, criticized PM Siniora as a "mean and small man" who has made an error of judgment in opposing Rizk's list of candidates for the long-unfilled positions on the country's Higher Judicial Council. Rizk acknowledged that he had changed the list slightly (replacing one name) from the list of individuals recommended by a panel of Lebanon's top judges, and it was to this action that Siniora objected. But Rizk argued that his change was necessary, in order to preserve the independence of the judiciary -- or at least its freedom from March 14 control. (Note: Rizk kept saying "Sunni control" in the conversation. But this is not technically correct: there is confessional

balance in the Council no matter whose list is adopted. It is more a question of political allegiances, or perceived allegiances, that is at stake. End note.)

¶3. (C) Minister Rizk maintained that if Siniora were successful in "stacking" the judicial body, giving March 14 political forces blanket authority to appoint or dismiss any judge, there would be an inevitable adverse reaction from the Shia political elite, and most definitely from Amal leader and Speaker Nabih Berri -- who is still smarting from a belief that Siniora had cavalierly dismissed a diplomatic initiative (an invitation for Siniora to go to Damascus) engineered by the Speaker.

¶4. (C) Rizk defined the key to controlling the Higher Judicial Council as the ability to influence eight of its ten members. Under the constitution, this would allow the controlling party to appoint and fire at will. Rizk maintained that his minor change to the list of nominees would prevent this from happening -- and ameliorate the widely held view that Saad Hariri's Sunni-dominant movement already wielded too much political power. Seven of the ten judges would still lean toward the March 14 politics, meaning that most decisions made by the council -- such as disciplinary action short of actual dismissal, assignment of judges to undesirable posts, etc. -- would remain in the hands of the Hariri-dominated majority.

¶5. (C) He rhetorically asked the Ambassador why Sinora was seeking a clash with the Shia that was both unnecessary and potentially ruinous to the reform movement. "He doesn't know how to pick his fights, and he's beyond stubborn," the minister complained. Rizk continued that he refused to give up control of his ministry, which would be the practical consequence of Siniora getting his way on this issue.

BEIRUT 00001717 002 OF 003

¶6. (C) Rizk believed that Siniora actually wanted him to resign, but he indicated he would not -- and if it came to it, he still had a card up his sleeve. After initial hesitance, Rizk revealed that if pushed, he would simply "kick it upstairs" and allow the nominee list to proceed to President Lahoud as required by the constitution. Rizk conveyed obvious relish at the prospect of Lahoud and Siniora engaged in a bitter battle over this issue.

THE SPECIAL TRIBUNAL AT RISK

¶7. (C) But more important than control of his ministry, Rizk argued, was the inevitable damage that would be inflicted on the reform movement by Siniora's obstinance. In Rizk's opinion, the first and most likely casualty would be the special tribunal with international character proposed for the prosecution of those responsible for the assassination of Rafiq Hariri, and possibly of those responsible for other acts of political violence. Minister Rizk said Speaker Berri and his Shia allies would obstruct and likely succeed in blocking the tribunal's establishment. If the Shia were successful in stopping a project so highly valued by Saad Hariri, Rizk believes that current political progress, though gradual, could well cease.

¶8. (C) Despite recent criticism from Lebanon's Lawyers Association and negative press coverage of the standoff, Minister Rizk believes that Saad Hariri would actually support his position vice Siniora's due to the consequences of the perception that the Sunni elite had taken control of yet another lever of power. Rizk revealed he had sought the advice of Minister Marwan Hamadeh, who moves easily among Lebanon's political classes, and had been advised to be patient and wait for the return of Saad Hariri. Although he had doubts about this course of action, and clearly disliked the criticism he has been receiving, Rizk indicated he would step back and wait for the more astute Hariri to recognize

the downside of Siniora's intransigence. He concluded, "Saad doesn't want to battle Berri and Nasrallah over this and risk losing the tribunal." But Rizk also observed that the entire March 14 reform movement was amazingly prone to stumbling into unnecessary political clashes.

MINISTRY OFFICIALS IN NEW YORK

¶9. (C) Minister Rizk described this week's visit of Justice Ministry officials Ralph Riachy and Choukri Sader to the United Nations as helpful, but not particularly important. Both Riachy and Sader are senior judges. In fact, Rizk was somewhat puzzled why UN Undersecretary for Legal Affairs Nicholas Michel even went to the effort, when all that was really needed was a UN/GOL commitment to a timeline for the establishment of the tribunal.

¶10. (C) As he has in previous meetings, the Justice Minister projected confidence that, once authorized, the tribunal could be established in a relatively straightforward manner. He said that in his last meeting with UNIIIC Chief Serge Brammertz, he had learned that Brammertz intended to work for an additional six months, and expected that the investigation would then be essentially complete. He therefore felt a precise timeline was needed and hoped that Riachy and Sader would return from New York with one.

PARLIAMENT'S VOTE ON SYRIAN WARRANTS

¶11. (C) In Rizk's view, the previous day's vote by Lebanon's Parliament to condemn Syria's issuance of warrants against PSP leader Walid Jumblatt and Minister Marwan Hamadeh was more than a justifiable statement of Lebanon's sovereignty. It was also a shrewd political move by Speaker Berri to obtain an IOU from Saad Hariri. Although Berri attempted to temper the resolution's wording, his assistance in bringing the measure to a vote (and abstaining, along with Hizballah) put Hariri in his debt.

¶12. (C) Rizk noted that Berri rarely misses a chance to gain an advantage, and can always be expected to demand payment at some point in time. Nevertheless, Rizk believed the parliamentary action was necessary and had drawn a commendable line in the sand with Syria.

ABDUCTED USCIT KELSEY KLOTZ

BEIRUT 00001717 003 OF 003

¶13. (U) The Ambassador re-emphasized to the Justice Minister that U.S. patience was wearing thin on the continued inaction by GOL in returning the abducted child to US custody. Minister Rizk conceded it was unacceptable and said he was "shamed" that the situation was still unresolved.

¶14. (U) He placed an immediate phone call to ISF Director General Rifi and instructed him to maintain maximum effort on the task. The Ambassador also spoke with the ISF chief and emphasized the importance of the case to the USG. Rifi, who is on his way to Washington to discuss military cooperation, insisted his force was doing all it could to locate and return the child. The Ambassador cautioned Rifi that he should expect to hear about this case in Washington.

COMMENT

¶15. (C) What may appear to outsiders to be a minor issue has developed into a full-scale political crisis in Lebanon, with the immediate protagonists Siniora and Rizk standing in for March 14-vs.-March 8 (i.e., Nabih Berri and the Shia) forces. Yet the cabinet squabbling over the Higher Judicial Council appointments looks just childish when one looks at

the details: Siniora and Rizk agree on 9 of the 10 judges, with only one judge (a Shia) in question. (Five of the 10 positions are automatic by virtue of the other positions judges hold, so this controversy revolves around naming the other five.) Rizk has Lebanon's much-abused constitution on his side when he claims the right to put the names in the decree, although that decree must be signed by the PM and President. Asking the judges to give their own recommendations was a clever tactic by Siniora to check his minister's prerogatives -- Siniora can claim he is on the side of the independent judiciary, when in fact judges' recommendations have no legal authority or even precedent in Lebanese judicial history.

¶16. (C) We talked with two lawyer/MPs, Boutros Harb and Robert Ghanem, about this issue. They both criticized Rizk for trying to put in a somewhat less qualified judge in the place of the Shia recommended by the judges and backed by Siniora. Rizk, they claim, was trying to "make everyone happy" by doing a deal with Nabih Berri. Rizk had not anticipated Siniora's stubbornness. But the differences between the two judges in question is not so large as to constitute a crisis, they claimed. Both are qualified. Thus, at this point, with Lebanon yearning for the Higher Judicial Council to take office, Siniora should back down, Harb and Ghanem argue, even if principle is on the PM's side.

¶17. (C) Saad Hariri agrees. The Ambassador spoke to Hariri by phone on 5/31. Hariri said that he was deeply angry with Siniora for fighting an unneeded battle with Rizk over a single position that wasn't all that important to the basic approach of the Council. Rizk, Hariri said, had politically broken with Lahoud and started to lend his support to the March 14 movement. Siniora's undermining of Rizk's authority risked sending the Justice Minister back in the wrong direction. Moreover, Siniora had annoyed Nabih Berri, whose support was essential for larger issues such as the special tribunal. Siniora, Hariri concluded, may be right, but it is more important to be smart. Asked by the Ambassador whether he had conveyed his views to the PM he essentially appointed, Hariri said that he had done so through Marwan Hamadeh. As for direct contact, he and Siniora had not spoken in two weeks, Hariri claimed.

¶18. (SBU) The Ambassador will raise this issue with PM Siniora in a meeting today (6/1). Given the deeply dispiriting impact it is having on the public mood, it needs to be solved urgently.
FELTMAN